

REMARKS

This paper is submitted in response to the final Office action dated April 29, 2008 (the “Final Office Action”).

Claims 39-40, 44-47, 49-62, 64-68, and 70 are pending in the application. Claims 42, 63, and 69 have been canceled in this paper. Claims 39, 44-46, 49-54, 56, 58-60, 62, and 64-67 have been amended in this paper.

Claims 39-40, 42, 44-47, 49-62, 64-68, and 70 stand rejected. Claims 39, 46, and 64 stand rejected under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the written description requirement. Claims 39-40, 42, 44-47, 49-62, 64-68, and 70 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over U.S. Patent No. 6,870,921 issued to Elsey et al. (“Elsey”).

The amendments to the claims have been made to expedite prosecution; Applicant reserves the right, for example in a continuing application, to pursue the previously pending claims or claims similar thereto.

The amendments add no new matter. Support for the amendments may be found throughout Applicant’s Specification and Drawings, for example in p. 3, lines 5-16, p. 4, line 13—p. 5, line 8; p. 6, line 19—p. 7, line 2; and p. 8, line 13—p. 9, line 8 of the Specification as filed (corresponding to ¶¶ 9-10, 16-18, 23, and 31-33 of the Application as published in U.S. Patent Publication No. 2004/0139075 (the “ ’9075 publication”)), and in FIGs. 1 and 2 and the associated discussions.

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has chosen to respond as follows. Applicant reserves the right, for example in a continuing application, to establish that the cited reference, or other references cited thus far or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed. Applicant respectfully submits that the pending claims are allowable in view of the following remarks, and respectfully requests reconsideration of the pending rejections.

Rejections under 35 U.S.C. §112, first paragraph

Claims 39, 46, and 64 stand rejected under § 112, first paragraph, as purportedly failing to comply with the written description requirement. In particular, the Final Office Action expresses a concern that the claim language of “information regarding a relationship between information stored in each of the virtual databases,” and “information regarding a relationship between information stored in each of the distinct files” purportedly lacks a basis in Applicant’s originally filed disclosure. See Final Office Action, p. 2.

Without conceding the point raised by the Final Office Action, Applicant has amended claims 39, 46, and 64 to remove the objected language. Applicant respectfully submits that the rejection under § 112, first paragraph is now moot in view of the amendments.

Rejections under 35 U.S.C. §103(a)

Claims 39-40, 42, 44-47, 49-62, 64-68, and 70 stand rejected under § 103(a) as purportedly being unpatentable over Elsey. Applicant respectfully submits that the claims are allowable under § 103(a) because the cited portions of the reference fail to disclose each limitation of Applicant’s claims.

As amended, Applicant's independent claim 39 includes an access control subsystem. The access control subsystem is configured to provide access to files to a user who has access authorization. The "access authorization is based at least in part on a temporary current status of the user."

Examples of the access authorization being related to a temporary current status of a user are provided in Applicant's originally filed Specification. The Specification provides examples in which: credit card operations may be outsourced to a service agency, with a user (e.g., a telephone support staff member) having real time access to the individual account "during the service call" (Specification at 4 (§ 16 of the '9075 publication)); or in which a user has access to a customer account "during the individual telephone support session" with a calling customer (Specification at 8 (§ 32 of the '9075 publication)). "During the individual customer support session," in one example, a user such as a "telephone support representative has access to the individual merchant's or financial institution's business objects, queries, and views, as well as those of the database service provider." Specification at 8 (§ 32 of the '9075 publication).

At least the limitations that "access authorization is based at least in part on a temporary current status of the user" are absent from the cited portions of Elsey. Accordingly, Applicant respectfully submits that amended independent claim 39 and all claims dependent therefrom are allowable under § 103(a). At least for similar reasons, amended independent claims 46 and 64 and all claims dependent therefrom are also allowable under § 103(a).

CONCLUSION

Applicant respectfully submits that all claims are now in condition for allowance, and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned.

If any extensions of time under 37 C.F.R. § 1.136 are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



Cyrus F. Bharucha
Attorney for Applicant
Reg. No. 42,324
Telephone: (512) 439-5097
Facsimile: (512) 439-5099